

LOS DURANES NEIGHBORHOOD ASSOCIATION

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26 September 2024

Mr. Alan Varela, J.D., Planning Director
COA Planning Department
600 2nd Street NW
Albuquerque, NM 87102

RE: Rio Grande Apartments
2211 Rio Grande Blvd. NW
Building Permit issued for Project BP-2021-33519 (3.5.24)

Dear Director Varela,

As you know the proposed and now permitted apartment project has been quite contentious amongst Los Duranes residents due to the project's inappropriate design, size, and scale relative to the Los Duranes neighborhood.

After not hearing anything from the Owner for many, many months we became aware that a building permit was issued for the project. As we were only provided a generic Site Drawing by the architect after the permit was issued, we became suspicious of what the Owner-Developer-Architect actually submitted for the permit and what was finally permitted as compared to previous communications from them. After one of the LDNA Board Members filed an IPRA request that was fulfilled by the City, we were provided a copy of the project's Building Permit/Drawings.

After reviewing the drawings, we the Board of Directors of the LDNA and our community members as voiced and voted on at our recent neighborhood association meeting have several concerns and issues that need to be addressed by the Owner/Developer, and we are requesting you, as the Planning Director to ensure that these issues are resolved.

The issues are as follows:

1. No wall along the entire west property line.

In general discussions with the Developer/Owner and some Board Members, and as discussed at the two Land Use Facilitation meetings, the neighbors requested and the Owner/Developer agreed to construct a 6' to 8' high solid wall along the west property line. (See 8.30.22 Facilitated Meeting Report)

On the contrary, the Permit Drawings do not show a 6' to 8' high wall. The Index to Drawings lists a Site Plan Sheet A-100, but there is no such sheet in the Permit Set. Sheet G-100 Zoning Code Analysis Plan identifies Note J as a CMU wall along the west property line but provides no Detail nor indicates a height. Sheet C-102 Site Grading and Drainage Plan calls out an 18" high maximum head curb at the northern 47'-0" of the west property line, but nothing along the remaining 168' of the west property line.

The neighborhood wants and expects to see a continuous 6' to 8' high solid wall along the west property line. The BUILDING PERMIT SET NEEDS TO MODIFIED ACCORDINGLY.

2. Clear Sight Distance at the Rio Grande Blvd. (RGB) - Los Anayas Road NW Intersection.

Since the neighborhood became aware of this project, we have expressed concerns about the clear sight distance at the intersection, and in particular the visibility of southbound RGB vehicles and bicycles approaching Los Anayas from the north. After numerous discussions and staking the site, the Owner/Developer agreed to move their fence/wall along RGB to 6'-0" from the east property line. (See 12.6.22 email.)

However, the Building Permit Set does not provide any drawings with dimensions that indicate such a setback; nor are there any drawings that indicate the requirements of the clear sight triangle will be fulfilled. **These issues are health, life and safety concerns that must be addressed immediately. The BUILDING PERMIT SET NEEDS TO BE MODIFIED WITH THE APPROPRIATE SETBACK DIMENSIONS ANNOTATED ACCORDINGLY.**

3. Building height exceeds the allowable heights.

In discussions between the LDNA Board of Directors and the Owner/Developer, the Owner/Developer agreed to make certain concessions (reduce building size to 3 stories, reduce the number of units, move access-egress to RGB). In return the LDNA Board agreed to not oppose the Owner/Developer's Variance Request to increase the building height from 30' to 38'-0" tall.

In reviewing the Building Elevations Sheets A-201, A-202, the building height exceeds 40' at the street intersection (which is not the entry into the project site) and it exceeds 38' at most of the remaining elevations.

This is a clear violation of the Variance, and what the Owner/Developer agreed to with the neighborhood. **The building heights must be reduced and the BUILDING PERMIT SET NEEDS TO BE MODIFIED WITH THE APPROPRIATE HEIGHTS ANNOTATED AND DETAILED ACCORDINGLY.**

4. No Parking along Los Anayas Road NW.

As with Item 2 above, since the neighborhood became aware of this project, the LDNA and LD residents have opposed any parking along the north side of Los Anayas between RGB and the Duranes Ditch.

Los Anayas is one of only 4 main access-egress roads into the Los Duranes neighborhood from RGB. It is only 26'-3" wide (at the widest). During the morning rush hour and afternoons when the schools get out (Montessori of the Rio Grande, and Los Duranes Elementary School are both in our neighborhood) vehicles are backed up along Los Anayas exiting out of the neighborhood. Thus the street is fully taken up with vehicles which does not allow any vehicles to be parked along the sides of the street. The Building Permit Set Drawings do not indicate no parking along Los Anayas.

This issue is further compounded by the Owner/Developer's drawings: F-101, Fire 1 Plan which graphically indicates the requirement for 26' wide fire apparatus truck along RB and Los Anayas, and the drawing indicates 26'-3" pavement width, with a proposed increase to 28.5' which is still insufficient to allow parking along the street. If there was a fire along the units facing Los Anayas, and if there was parking along the street, it would be extremely difficult for the fire department to fight the fire from that location. The NO Parking issue was addressed many times with the Owner/Developer. In addition, the Owner/Developer agreed to pursue no parking designation along Los Anayas as reported in the 8.30.22 Land Use Facilitation Meeting Report.

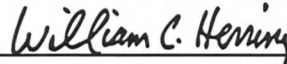
This is another Health, Life, and Safety issue that needs to be addressed immediately. The BUILDING PERMIT SET NEEDS TO BE MODIFIED Indicating and showing NO PARKING SIGNS along the north side of Los Anayas.

All four items above have been addressed with the Owner/Developer and they were agreed to by them.

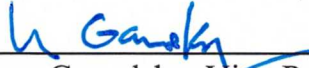
The Los Duranes Neighborhood Association Board of Directors is not making any new requests. There is only a failure by the Owner/Developer and their Architect to properly design, dimension and annotate the Building Permit/Construction Documents. As your department oversees the Building Safety Division, the LDNA Board of Directors and the Los Duranes neighborhood residents request that you require the Owner/Developer/Architect to make the appropriate changes to the Building Permit Set as identified above.

If you have any questions or comments please contact us. We would also appreciate hearing from you as to when the changes will be requested and completed. We thank you very much

Very truly yours,



William C. Herring, President
Los Duranes Neighborhood Association
3104 Coca Road NW;
Albuquerque NM 87104
Telephone: (505) 243-4664
E-Mail: billherring@comcast.net



Lee Gamelsky, Vice-President
Los Duranes Neighborhood Association
2412 Miles Rd. SE
Albuquerque, NM 87106
Telephone: (505) 842-1060
E-Mail: lee@lganm.com

CC: LDNA BOD

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM PROJECT 2nd MEETING REPORT
2211 Rio Grande NW – Building Permit Application

Project: Building Permit Application - CABQ facilitated meeting.

Property Description/Address: 2211 Rio Grande NW

Date Submitted: September 7, 2022

Submitted By: Jocelyn M. Torres and Tyson R. Hummell

Meeting Date/Time: August 30, 2022, 6:00 PM- 8:00 PM

Meeting Location: Los Duranes Community Center

Facilitator: Jocelyn M. Torres

Co-Facilitator: Tyson R. Hummel

Applicant/Owner: Fritz Eberly

Agent: Scott Anderson

Neighborhood Associations/Interested Parties: Los Duranes NA (LDNA), Rio Grande Blvd. NA, North Valley Coalition and Neighbors

Background Summary:

This is the project's second facilitated meeting. The first meeting occurred on April 19, 2022. The LDNA and the Applicant have met in the interim to discuss the neighborhood's recommended revisions to the prior plan. Applicant intends to construct market rate apartment units on this property. The primary objection posed at the prior meeting pertained to having apartment access from Los Anayas Road. Applicant's current plans depict that the sole access is from Rio Grande Blvd. Also, the number of units has since been reduced from 33 to 31. The number of floors has been reduced from four to three.

Applicant will not seek a parking variance. He will seek a variance allowing for the three story building, which is approximately 36 feet tall, to be adjacent to Los Anayas.¹ Another variance will ask that the Applicant not be required to follow the six foot step-back requirements on Los Anayas and Rio Grande; to avoid a pyramid-shaped appearance. The third variance will request that portions of the three foot wall be increased to at least six feet, per the prior expired variance.

1. Discussion:

- a. The Applicant/Agent addressed:
 - i. Apartment redesign;
 - ii. Apartment number reduction;
 - iii. Apartment height reduction;
 - iv. Access relocated to Rio Grande Blvd.;
 - v. No access from Los Anayas; and
 - vi. Need for three variances in current plan.

- b. LDNA's position:
 - i. Grateful for the closure of the Los Anayas access;

¹ The Integrated Development Ordinance (IDO) requires that buildings within 100 feet from a residential neighborhood be no more than 30 feet tall.



CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

4. Potential Line of Sight Encroachment at Intersection of Los Anayas and Rio Grande, three foot screen wall and Los Anayas sidewalk.

- a. *C/Q: The Intersection of Los Anayas and Rio Grande already has a poor line of sight for turning traffic, despite the current absence of any building located on the subject property. How does the proposed property design mitigate the risk of worsening this already hazardous condition?*

A: LDNA previously requested that Los Anayas not be used or designated for purposes of ingress and egress. In order to accommodate the LDNA request, the proposed structure cannot be located further north or west, because such a move would eliminate space for the access drive-path to be located off of Rio Grande within the northeast quadrant of the proposed property.

- b. *Q: What is the white stripe on your drawing?*

A: The IDO requires a three foot screen wall along Los Anayas. The City is recommending a sidewalk along Los Anayas, but we have not made that determination yet. We are also considering a six to eight foot wall along the ditch. *per the owner.*

5. Building Height at Intersection of Los Anayas and Rio Grande /Southeast Quadrant of Property.

- a. *Q: Given that Los Anayas is a narrow street, will the combination of a close building setback and 3-story height create an 'alleyway' aesthetic or otherwise make the area less attractive?*

A: Building plan changes have been made to accommodate LDNA concerns. As a result, certain tradeoffs have been implemented to offset and balance the impact of those accommodations. The Applicant will continue to explore and implement these accommodations and balance the resulting offsets wherever physically and financially feasible.

6. Parking Capacity.

- a. *Q: What is the current parking capacity and does it satisfy IDO requirements?*

A: The current parking capacity is approximately 42, including three guest parking spaces. This is an ongoing concern and it is still being addressed. Current parking capacity is at or just under the minimum number. However, the Applicant is exploring ways to create additional spaces where feasible.

- b. *Q: Will there be designated handicap parking?*

A: Yes, under the covered parking area.

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

A: On Rio Grande. Refuse is also located near Rio Grande.

b. Q: *What changes will be made for water, sewer and utilities?*

A: Generally, the Applicant plans to tie into existing water and sewer infrastructure. Applicant is seeking to have utility lines placed underground. These determinations are contingent on approval of third parties and remain uncertain at this time.

Action Items.

NO PARKING SIGNS ALONG LOS ANAYAS

1. **Signs on Los Anayas:** Applicant/Agent will inquire with the City and respond to the Facilitator as to whether "No Parking" signs can be placed along Los Anayas.
2. **Applicant/Agent will not seek a parking variance.**

Next Steps.

ZHE Application will be filed on or about October 2, 2022. Hearing for applications filed as of October 4, 2022 is November 15, 2022.

Meeting Adjourned.

Participants and other interested parties.

Owner/Architect

Fritz Eberle

Agent/Architect

Scott Anderson

Neighbors

William C. Herring	LDNA President
Lee Gamelsky	LDNA Vice President
Ralph Meyerhein	
Vera Olson	LDNA
Brenda Bennett	LDNA
Zac Hulne	LDNA
Micah Halloch	LDNA
Jason Ocken	LDNA
Dennis Lorenz	TVNA
Cristy Lujan-Vigil	
Tom Vigil	
Loretta Brandner	
Mara Perrigo	
Gloria Radoslovich	LDNA

Lee Gamelsky

From: Fritz Eberle <fritz@keyvisionmedia.com> on behalf of Fritz Eberle
Sent: Tuesday, December 6, 2022 6:03 PM
To: Lee Gamelsky
Cc: Avi Lahiani; Duranes William Herring; Scott Anderson; Jackie Fishman; ELEANOR WALTHER; Jolene Wolfley
Subject: Re: RG APTS

From the owner.

Thank you to everyone for coming to the site on Sunday morning!

Lee, Let's clarify:

1) We did agree to move the fence along Rio Grande Blvd from 5 feet to 6 feet from the property line, including the view fence/wall around the three car parking area. Your estimated measurement of 15 feet for the SE corner of the three car parking area is actually 12.75 feet from the property line, measured perpendicular to the property line, but since even this distance is well out of the area blocking line of sight, I didn't think this was in contention. We will send you an updated site plan that will include these changes and the dimension lines in question either this week or early next week.

2) We do agree in principle about the plantings along RGB. We also wish to have the required trees on the west side of the wall. We can guarantee that we will submit a landscaping plan that matches your wishes, which are also ours, but we cannot guarantee what the planning department will allow, as the DPM appears to require the following (you can enlarge it). The Rio Grande Blvd Corridor Plan states Rio Grande Blvd is a "Suburban Arterial" so I'm guessing it is either a Minor Arterial or an Other Arterial in the DPM: